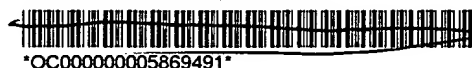


COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Todd E. Landis
Gardere Wynne Sewell, LLP
3000 Thanksgiving Tower
1601 Elm Street Suite 3000
Dallas, TX 75201-4767

FORMALITIES LETTER



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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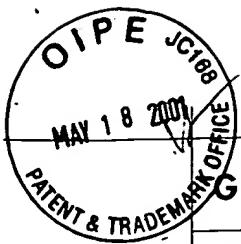
A copy of this notice MUST be returned with the reply.

MDnong

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



GARDERE

attorneys and counselors ■ www.gardere.com

Sedtor
214-999-4388 (direct dial)
214-999-3388 (direct fax)
tlandis@gardere.com

May 16, 2001

Via First Class Mail

Box: Missing Parts
Commissioner for Patents
Washington, DC 20231

Re: U. S. Patent Application for "NETWORK BASED FITNESS SYSTEM"
Serial No.: 09/779,798
Filing Date: February 8, 2001
Our File No.: 124023-1000

Dear Sir:

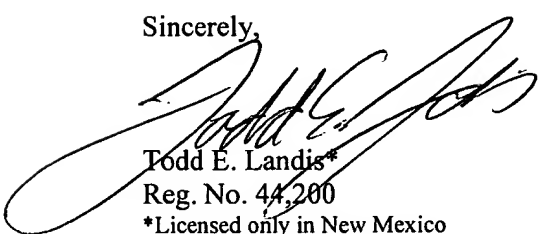
In regard to the above-referenced matters, enclosed for filing please find the following items:

- (1) Response to Notice to File Missing Parts;
- (2) Notice to File Missing Parts;
- (3) Declaration and Power of Attorney signed by inventor, original retained on file;
- (4) Substitute Drawings (8 sheets); and
- (5) Postcard.

Please file the above and return the date-stamped postcard to our office at the above address. It is believed that no additional fees are due. **The Commissioner is hereby authorized to charge \$65.00 for the late filing fee or oath or declaration surcharge fee, for this paper, to Deposit Account No. 07-0153.**

In the meantime, if you have any questions or comments concerning this matter, please call the undersigned at your earliest convenience. Otherwise, please accept the enclosed.

Sincerely,



Todd E. Landis*
Reg. No. 44,200
*Licensed only in New Mexico
TEL.:1012276.1
Enclosure

cc: Sanford E. Warren, Jr. (w/o encl.)



Attorney Docket No. 124023-1000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Don Spyker
Serial No. 09/779,798
Filed: February 8, 2001
Group Art Unit: 2161
Examiner: Unknown
For: NETWORK BASED FITNESS SYSTEM

BOX: MISSING PARTS
Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

Mailing Certificate Under 37 C.F.R. § 1.8(a) I hereby certify that the above correspondence is being deposited with the U.S. postal Service as First Class Mail in an envelope addressed to Box: Missing Parts, Commissioner for Patents, Washington, DC 20231 on May 16, 2001.


Rita J. Carr

RESPONSE TO
NOTICE TO FILE MISSING PARTS OF APPLICATION

In response to the Notice to File Missing Parts of Application mailed March 16, 2001, a copy of which is returned herewith, Applicant respectfully submits this response.

Declaration

As required by the Notice of Missing Parts of Application, Applicant hereby encloses an executed Declaration.

Small Entity Status

Applicant's attorney asserts that BFA Network, Inc., assignee of all right, title and interest in the above-referenced application, is a small entity and therefore qualifies for the small entity fee.

Substitute Drawings

Applicant respectfully submits substitute drawings (8 sheets) in compliance with 37 CFR 1.84.

Required Fees

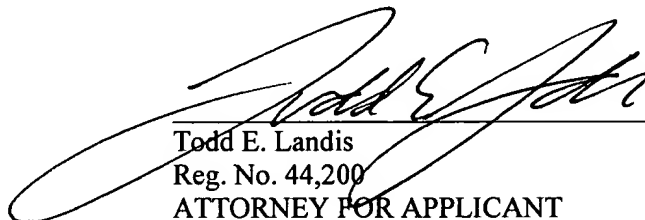
The Commissioner is hereby authorized to deduct \$65.00 for the late filing fee or oath or declaration surcharge fee as set forth in 37 CFR 1.16(e) for a small entity in compliance with 37 CFR 1.27.

Conclusion

Applicant respectfully submits that all required parts for the application have now been filed and that no additional fees are required. It is believed that no other fees are necessary. However, if this is incorrect, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 07-0153.

Respectfully submitted,

Dated: May 16, 2001


Todd E. Landis
Reg. No. 44,200
ATTORNEY FOR APPLICANT

DALLAS 999704v1